

17-41-304 Public hearing -- Review and action on proposal.

- (1) After receipt of the written reports from the advisory committee and planning commission, or after the 45 days have expired, whichever is earlier, the county or municipal legislative body shall:
 - (a) schedule a public hearing;
 - (b) provide notice of the public hearing by:
 - (i) publishing notice:
 - (A) in a newspaper having general circulation within:
 - (I) the same county as the land proposed for inclusion within the agriculture protection area or industrial protection area, if the land is within the unincorporated part of the county; or
 - (II) the same city or town as the land proposed for inclusion within an agriculture protection area or industrial protection area, if the land is within a city or town; and
 - (B) on the Utah Public Notice Website created in Section 63F-1-701;
 - (ii) posting notice at five public places, designated by the applicable legislative body, within or near the proposed agriculture protection area or industrial protection area; and
 - (iii) mailing written notice to each owner of land within 1,000 feet of the land proposed for inclusion within an agriculture protection area or industrial protection area; and
 - (c) ensure that the notice includes:
 - (i) the time, date, and place of the public hearing on the proposal;
 - (ii) a description of the proposed agriculture protection area or industrial protection area;
 - (iii) any proposed modifications to the proposed agriculture protection area or industrial protection area;
 - (iv) a summary of the recommendations of the advisory committee and planning commission; and
 - (v) a statement that interested persons may appear at the public hearing and speak in favor of or against the proposal, any proposed modifications to the proposal, or the recommendations of the advisory committee and planning commission.
- (2) The applicable legislative body shall:
 - (a) convene the public hearing at the time, date, and place specified in the notice; and
 - (b) take verbal or written testimony from interested persons.
- (3)
 - (a) Within 120 days of the submission of the proposal, the applicable legislative body shall approve, modify and approve, or reject the proposal.
 - (b) The creation of an agriculture protection area or industrial protection area is effective at the earlier of:
 - (i) the applicable legislative body's approval of a proposal or modified proposal; or
 - (ii) 120 days after submission of a proposal complying with Subsection 17-41-301(2) if the applicable legislative body has failed to approve or reject the proposal within that time.
- (4)
 - (a) In order to give constructive notice of the existence of the agriculture protection area or industrial protection area to all persons who have, may acquire, or may seek to acquire an interest in land in or adjacent to the agriculture protection area or industrial protection area, respectively, within 10 days of the creation of an agriculture protection area or industrial protection area, the applicable legislative body shall file an executed document containing a legal description of the agriculture protection area or industrial protection area, as the case may be, with:
 - (i) the county recorder of deeds; and
 - (ii) the affected planning commission.

- (b) If the legal description of the property to be included in the agriculture protection area or industrial protection area is available through the county recorder's office, the applicable legislative body shall use that legal description in its executed document required in Subsection (4)(a).
- (5) Within 10 days of the recording of the agriculture protection area, the applicable legislative body shall:
 - (a) send written notification to the commissioner of agriculture and food that the agriculture protection area has been created; and
 - (b) include in the notification:
 - (i) the number of landowners owning land within the agriculture protection area;
 - (ii) the total acreage of the area;
 - (iii) the date of approval of the area; and
 - (iv) the date of recording.
- (6) The applicable legislative body's failure to record the notice required under Subsection (4) or to send the written notification under Subsection (5) does not invalidate the creation of an agriculture protection area.
- (7) The applicable legislative body may consider the cost of recording notice under Subsection (4) and the cost of sending notification under Subsection (5) in establishing a fee under Subsection 17-41-301(4)(b).

Amended by Chapter 90, 2010 General Session